

Notice Number _____

Rule Number He-W 696

<p>1. Agency Name & Address:</p> <p>Dept. of Health and Human Services Division of Family Assistance 129 Pleasant St., Brown Bldg. Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 167:3-c, I</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Nutritional Supplement for Working Families (NSWF)**

6. (a) Summary of what the rule says and of any proposed amendments:

He-W 696 describes Nutritional Supplement for Working Families (NSWF) and its eligibility and employment requirements, the process for determining NSWF assistance amounts, and termination reasons. He-W 696 also describes treatment of NSWF recipients who have requested an administrative appeal, provisions that shall not apply to assistance groups receiving NSWF, and conditions under which NSWF shall be deducted from the Supplemental Nutrition Assistance Program (SNAP) recipient's EBT account.

The Department of Health and Human Services is proposing to readopt with amendment He-W 696 by replacing the term "food stamp" with "supplemental nutrition assistance program" (SNAP) throughout, as well as updating He-W 696.02(a) to replace "child" with "dependent child" and updating "RSA 161-B:2,II" to "RSA 161-B:2, IV".

6. (b) Brief description of the groups affected:

The purpose of Nutritional Supplement for Working Families (NSWF) is to offer working recipients of Supplemental Nutrition Assistance Program (SNAP) (previously known as food stamps) benefits to augment their families' nutritional needs and help offset their other financial obligations.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<u>Rule</u>	<u>Specific State Statute the Rule Implements</u>
He-W 696.01	RSA 167:3-c,I; RSA 167:77-a,I(e); 42 USC 607(a)(1); 45 CFR 260.31(a)(1); 45 CFR 261.21
He-W 696.02	RSA 161-B:2,IV; 7 CFR 271.2; 7 CFR 273.10; 7 CFR 273.10(e)(3) 45 CFR 261.21

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Nicole Burke** Title: **Administrative Rules Unit Coordinator - Administrative Rules Unit**
Address: **Dept. of Health and Human Services** Phone #: **(603) 271-9640**
Administrative Rules Unit Fax#: **(603) 271-5590**
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or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, September 30, 2021**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, September 23, 2021 at 10:30am**

Place: [**DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**](#)

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 21:081, dated 8/12/2021

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rule to the existing rule.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

10. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule He-W 696 modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Readopt with amendment He-W 696, effective 12-20-11 (Document #10052), to read as follows:**PART He-W 696 NUTRITIONAL SUPPLEMENT FOR WORKING FAMILIES (NSWF)**

He-W 696.01 Purpose. The purpose of Nutritional Supplement for Working Families (NSWF) is to offer working recipients of ~~food-stamp~~Supplemental Nutrition Assistance Program (SNAP) benefits a supplemental monthly assistance pursuant to 45 CFR 260.31(a)(1) to be used only to augment their families' nutritional needs and help offset their other financial obligations. Recipients of NSWF shall be counted in the department's work participation rate pursuant to RSA 167:77-a,I(e).

He-W 696.02 Nutritional Supplement for Working Families (NSWF).

(a) Nutritional Supplement for Working Families (NSWF) shall be provided, as funding and resources allow, to single parents residing with at least one dependent child, as defined by RSA 161-B:2,HIV, who:

- (1) Are employed for at least 35 hours per week;
- (2) Are receiving ~~food-stamp~~SNAP benefits pursuant to 7 CFR 273.10; and
- (3) Do not receive:
 - a. Any category of financial assistance offered by the department;
 - b. Extended ~~food-stamp~~SNAP benefits pursuant to He-W 756.06; or
 - c. ~~Food-stamp~~SNAP benefits described in 7 CFR 273.10(e)(3).

(b) The child who resides with the parent pursuant to (a) above, shall:

- (1) Be under age 18; and
- (2) Not have another biological or adopted parent living in the home.

(c) The ~~self-self-employed~~ ~~food-stamp~~SNAP recipient shall be considered to have met the NSWF employment eligibility requirements in (a)(1) above when:

- (1) His or her net monthly self-employment profit is divided by the federal minimum wage;
- (2) The result of the calculation in (c)(1) above is divided by 4.33 to obtain average hours worked per week; and
- (3) The result of the calculation in (c)(2) above shall meet or exceed the figure described in (a)(1) above.

(d) NSWF shall:

- (1) Begin the next payroll period in which the criteria in He-W 696.02 are met, provided that the NSWF assistance group (AG) meets the criteria on the date payment is made;
- (2) Be issued pursuant to He-W 671.01 and He-W 670.04(a) and (c)-(e);

(3) Be calculated by dividing the total amount of NSWF funding within the current fiscal year by the total number of currently eligible NSWF households and rounding the resulting figure down to the nearest dollar; and

(4) Be used only to purchase ~~food-stamp~~SNAP-eligible items pursuant to 7 CFR 271.2.

(e) If the number of eligible NSWF households has increased to such a number that it would cause the depletion of NSWF funds before the end of the respective fiscal year, the standard monthly NSWF amount calculated pursuant to (d)(3) above shall be reduced to an amount that prevents the depletion of the NSWF funds before the end of that fiscal year.

(f) NSWF shall terminate:

(1) For the entire AG when any of the eligibility requirements described in He-W 696.02 are not met;

(2) For the entire AG when a NSWF recipient applies for any category of financial assistance pursuant to He-W 601.01(p); or

(3) For all recipients when funding and resources within the current state fiscal year are no longer available to offer NSWF.

(g) If the NSWF recipient requests an administrative appeal pursuant to He-C 203.03 to review the department's decision to terminate NSWF, the NSWF recipient:

(1) Shall not continue to receive NSWF during the appeal process; and

(2) Shall be denied an administrative appeal if the termination was due to reasons described in (f)(3) above, pursuant to He-C 203.03(g).

(h) The following provisions shall not apply to AGs receiving NSWF:

(1) Receipt of payments under the emergency assistance program described in He-W 699.05(a)(2);

(2) Exemption from the child care waitlist pursuant to He-C 6910.10(c);

(3) The time limits on receipt of financial assistance described in He-W 602.05(a);

(4) Receipt of employment support services pursuant to He-W 655;

(5) The title IV-D requirements as defined in He-W 601.08(e);

(6) Receipt of NSWF for retroactive periods of time, as described in He-W 601.07(h); or

(7) Receipt of a standard monthly NSWF allotment amount pursuant to 45 CFR 233.20(a)(3)(viii)(C) and He-W 602.02(b) and (c).

(i) The department shall consider recipients of NSWF to have met all the requirements of He-W 637.03 by being employed for at least the minimum hours per week described in (a)(1) above.

(j) NSWF shall not be provided:

(1) When an individual has applied for any category of financial assistance; or

(2) While eligibility for any category of financial assistance is being determined.

(k) NSWF shall be deducted from the ~~food-stamp~~SNAP recipient's EBT account and will no longer be available for use, if the benefit:

- (1) Was issued by the department in error;
- (2) Was issued by the department while the individual was ineligible for NSWF; or
- (3) Is not used for a period of 90 days pursuant to He-W 671.01(d).

APPENDIX

<u>Rule</u>	<u>Specific State Statute the Rule Implements</u>
He-W 696.01	RSA 167:3-c,I; RSA 167:77-a,I(e); 42 USC 607(a)(1); 45 CFR 260.31(a)(1); 45 CFR 261.21
He-W 696.02	RSA 161-B:2,IV; 7 CFR 271.2; 7 CFR 273.10; 7 CFR 273.10(e)(3) 45 CFR 261.21